

### C. EROD Regulations

1. Any development requiring issuance of a building permit within the Environmental Resources Overlay District (EROD), shall not be issued for any building or structure utilizing a private waste water disposal system employing sub-surface soil absorption facilities where the lot area is less than ten (10) acres in size.
  - a. When constructing multiple dwelling units, an allocation of a minimum of ten (10) acres of land shall be provided for each dwelling unit, with said units located on a contiguous tract of land.
  - b. When constructing a commercial or industrial use, additional land standards in excess of the ten (10) acre minimum lot area requirement may be imposed upon said use based upon the anticipated sewage discharge associated with said business.
2. Any proposed private collection system within the EROD must first receive written approval of the Board of Trustees, Clear Lake Sanitary District, prior to making application to the Cerro Gordo County Board of Health for issuance of an on-site waste water treatment and disposal system permit.
3. So long as the property continues to utilize a private waste water disposal system employing sub-surface soil absorption facilities, the required area shall not be reduced in size or dimension so as to make said area less than the minimum required by this Article.
4. To the extent that any portion of the on-site waste water treatment and disposal ordinance of Cerro Gordo County is less stringent or restrictive than any standard specification requirement or ordinances of the Clear Lake Sanitary District then, within the EROD boundaries, the standards, specifications, requirements and ordinances of the Clear Lake Sanitary District shall apply.

### D. Variance and Appeals

The Board of Adjustment may grant a variance from any standards or requirements imposed by this Article, including any decision by the Clear Lake Sanitary District to deny approval of an on-site waste water treatment and disposal system as provided for under Article 24 of this Ordinance.

## **5.7 AIRPORT ZONING ORDINANCE**

### A. Short Title

This ordinance shall be known and may be cited as "The Mason City Municipal Airport Zoning Ordinance" or "The Airport Zoning Ordinance."

### B. Definitions

For the purposes of this ordinance, the following definitions shall apply unless the context requires otherwise. In each case, the singular shall include the plural and the plural shall include the singular.

**AIRCRAFT:** Any contrivance used or designed for carrying humans in flight through the air, but not including parachutes.

**AERIAL NAVIGATION:** The movement of an aircraft through the air.

**AIRPORT:** The Mason City Municipal Airport.

**AIRPORT COMMISSION:** The Mason City Airport Commission or its duly appointed representative.

**AIRPORT ELEVATION:** 1213 feet above mean sea level (MSL).

**AIRPORT HAZARD:** Any structure or tree or use of land which would exceed the Federal obstruction standards as contained in 14 CFR FAR, Part 77, and which obstructs or is otherwise hazardous to the landing or take-off of any aircraft at the Airport, or hazardous to persons or property on the ground.

**AIRPORT HAZARD AREA:** Any area of land or water upon which an airport hazard might be established if not prevented as provided by this ordinance.

**BUILDING OFFICIAL:** The Building Official of Mason City, Iowa, or the Building Official of Clear Lake, Iowa, or a duly authorized designee thereof.

**CITY:** The City of Mason City, Iowa, and/or the City of Clear Lake, Iowa.

COUNTY: Cerro Gordo County, Iowa.

FEDERAL AVIATION ADMINISTRATION (FAA): An agency of the United States government that administers the federal regulations that relate to the use and flight of aircraft, and related regulations. The location of the controlling FAA office may be found in Appendix I of this ordinance.

INNER EDGE: That edge of any zone that is closest to the runway end to which the zone applies. The inner edge is perpendicular to the runway centerline.

JURISDICTION: The City of Mason City, Iowa, and/or the City of Clear Lake, Iowa, and/or Cerro Gordo County, Iowa.

NON-COMPATIBLE USE: Any activity that would degrade the safety of people on the ground, or occupants of aircraft in flight, including but not limited to: putrescible waste landfills, smoke or steam producing activities, any activity that would produce electrical or radio signal interference not compatible with safe operation of an aircraft, and those that lead to an assembly of people, including, but not limited to: residences, churches, schools, hospitals, office buildings, shopping centers, and other uses with similar concentrations of persons.

NON-CONFORMING STRUCTURE: Any structure or portion of any structure that is located within or underlying any of the zones created by this ordinance and that does not conform to the height and use provisions of this ordinance.

OBSTRUCTION: Any structure or tree, the height of which exceeds that which is allowed by this ordinance.

PERSON: Any individual, firm, co-partnership, corporation, company, association, joint stock association, or body politic, and includes any trustee, assignee or other similar representative thereof.

RUNWAY THRESHOLD: A designated point on any Airport runway that establishes the end of the runway. The Runway Threshold may or may not correspond with the end of the paved portion of the runway.

STRUCTURE: Any object, whether permanent or temporary, stationary or mobile, constructed or installed by humans, including but not limited to: buildings, towers, smokestacks, scaffolds, lighting fixtures, public and private roads, railways, and overhead transmission lines, including poles or other structures supporting the same.

TREE: Any object of natural growth 20 feet in height of greater, or that may be expected to grow to a height of 20 feet or greater.

ZONING ADMINISTRATOR: The Zoning Administrator of Cerro Gordo County, Iowa, or a duly authorized designee thereof.

### C. Airport Zones

In order to carry out the provisions of this section there are hereby created and established certain zones which are described herein and depicted on the Mason City Airport Zoning Map, which is hereby made a part of this ordinance. Any structure or tree located in more than one zone is considered to be only in the zone with the more restrictive height and use limitation. The various zones hereby established and defined are as follows:

1. Approach Overlay Zone – (AO) Defined. The airspace above a sloping plane extending outward from each end of each runway, rising uniformly at a fixed ratio, and of fixed size, through which aircraft commonly operate when arriving at, and departing from, the Airport. AO zones vary in size and slope based upon the present or future use that can be expected for each Airport runway. The AO Zones at the Airport are as follows:
  - a. Runway 36 (AO36) – Beginning 200 feet beyond the paved portion at the end of the runway and centered on the extended centerline of the runway, the inner edge of the zone is 1,000 feet wide, expanding uniformly to an outer edge width of 16,000 feet. The altitude of the inner edge is the same as the altitude of the runway threshold at the centerline. For each 50 feet of horizontal distance the floor of the zone rises from the inner edge one foot (50:1) for a distance of 10,000 feet, and for an additional 40,000 feet, for each 40 feet of horizontal distance, rising at a rate of one foot (40:1).
  - b. Runway 18 (AO18) – Beginning 200 feet beyond the paved portion at the end of the runway and centered on the extended centerline of the runway, the inner edge of the zone is 1,000 feet wide, expanding uniformly to an outer edge width of 16,000 feet. The altitude of the

inner edge is the same as the altitude of the runway threshold at the centerline. For each 50 feet of horizontal distance the floor of the zone rises from the inner edge one foot (50:1) for a distance of 10,000 feet, and for an additional 40,000 feet, for each 40 feet of horizontal distance, rising at a rate of one foot (40:1).

- c. Runway 30 (AO30) – Beginning 200 feet beyond the paved portion at each end of the runway and centered on the extended centerline of the runway, the inner edge of each zone is 500 feet wide, expanding uniformly to an outer edge width of 3,500 feet. The altitude of the inner edge is the same as the altitude of the runway threshold at the centerline. The floor of the zone rises from the inner edge one foot for each 34 feet of horizontal distance (34:1), for a distance of 10,000 feet.
- d. Runway 12 (AO12) – Beginning 200 feet beyond the paved portion at each end of the runway and centered on the extended centerline of the runway, the inner edge of each zone is 500 feet wide, expanding uniformly to an outer edge width of 3,500 feet. The altitude of the inner edge is the same as the altitude of the runway threshold at the centerline. The floor of the zone rises from the inner edge one foot for each 34 feet of horizontal distance (34:1), for a distance of 10,000 feet.
- e. Height Limitations:
  - (1) Except as otherwise provided herein, no person shall construct or alter any structure, nor plant or grow any tree, so as to penetrate any Approach Overlay Zone created herein.
  - (2) No person shall establish or maintain any private roadway in any location that would result in penetration of any AO zone by any portion of any vehicle that shall be permitted to operate upon such roadway.
2. Controlled Activity Zone – (CA) Defined. An area of fixed size, underlying the innermost portion (closest to the runway end) of the AO zone for that runway, descending from the floor of the AO zone to the ground. The width and length of CA zones may vary, and may be different on each runway end. The CA zones for the Airport are as follows:
  - a. Runway 36 (CA36) – Underlying the innermost 2,500 feet of the AO zone at the south end of the runway, the width of the CA zone is 1,000 feet at the inner edge and expands uniformly to a width of 1,750 feet.
  - b. Runway 18 (CA18) – Underlying the innermost 2,500 feet of the AO zone at the south end of the runway, the width of the CA zone is 1,000 feet at the inner edge and expands uniformly to a width of 1,750 feet.
  - c. Runway 30/12 (CA30, CA12) – Underlying the innermost 1,700 feet of the AO zone at the each end of the runway, the width of each CA zone is 1,000 feet at the inner edge, expanding uniformly to a width of 1,510 feet.
  - d. Use Limitation: No person shall establish or maintain any non-compatible use in any Controlled Activity Zone.
3. Horizontal Overlay Zone (HO) Defined. The airspace above a horizontal plane, the perimeter of which is established by swinging arcs of 10,000 foot radii from the center of the inner edge of the AO zones of runways 36, 18, and 30, and an arc of 5,000 foot radius from the center of the inner edge of the AO zone of runway 12, and connecting the adjacent arcs by lines tangent to those arcs. The floor of the HO zone is 150 FT above the Airport elevation, or 1363 feet above mean sea level.
  - a. Height Limitation: Except as otherwise provided herein, no person shall construct or alter any structure, or plant or grow any tree, so as to penetrate the Horizontal Overlay zone created herein.
4. Transitional Overlay Zone (TO) Defined. The airspace above a sloping plane rising from the sides of each runway and from the sides of each AO zone at the rate of 1 foot of elevation for each 7 feet horizontally (7:1). The TO zones for the Airport are as follows:
  - a. Runway 36 (TO36) – Along each side of the runway, beginning at a point 500 feet from the center line of the runway and at right angles to the runway center line, and from each side of the AO zone at the south end of the runway, at right angles to the extended runway center line. The TO zone is interrupted at the point where it intersects the HO zone, and resumes at the outer edge of the CO zone (see Section 5.7(C)(5) below) and continues outward for a distance of 5,000 feet from the edge of the AO zone.
  - b. Runway 18 (TO18) – Along each side of the runway, beginning at a point 500 feet from the

center line of the runway and at right angles to the runway center line, and from each side of the AO zone at the north end of the runway at right angles to the extended runway center line. The TO zone ends at the point where it intersects the HO zone.

- c. Runway 30/12 (TO30/12) – Along each side of the runway, beginning at a point 500 feet from the center line of the runway and at right angles to the runway center line, and from each side of the AO zone at each end of the runway at right angles to the extended runway center line. The TO zone ends at the point where it intersects the HO zone.
- d. Height Limitations:
  - (1) Except as otherwise provided herein, no person shall construct or alter any structure, or plant or grow any tree, so as to penetrate any Transitional Overlay zone created herein.
  - (2) No person shall establish or maintain any private roadway in any location that would result in penetration of any Transitional Overlay zone by any portion of any vehicle that shall be permitted to operate upon such roadway.
- 5. Conical Overlay Zone (CO) Defined. The airspace above a sloped horizontal plane beginning at the periphery of the HO zone and rising one foot in height for each 20 feet horizontally (20:1) for a distance of 4,000 feet.
  - a. Height Limitations: Except as otherwise provided herein, no person shall construct or alter any structure, or plant or grow any tree, so as to penetrate the Conical Overlay zone created herein.

#### D. General Zoning Regulations

- 1. Except as otherwise provided herein, no person shall construct or alter any structure in any zone created herein without having first obtained a building permit from the Building Official or a Zoning Permit from the Zoning Administrator. No person shall be issued a permit for any construction or alteration without a determination or finding from the FAA. (See Section F(2) below). Such finding or determination shall not find or determine that the proposed construction or alteration:
  - a. Would create a hazard.
  - b. Would establish a non-compatible use.
  - c. Would endanger the general safety, health and welfare of persons in the vicinity of the Airport, or occupants of aircraft in flight.
  - d. Would result in the raising of the minimum instrument flight altitude of any Federal Airway, approved off-airway route, or instrument approach procedure to the Airport.
- 2. Except as otherwise provided herein, no person shall occupy any structure in any zone created herein without having first obtained an occupancy permit from the Building Official or Zoning Administrator. No person shall be issued an occupancy permit for any non-compatible use.
- 3. No person shall establish or maintain any private roadway in any location that would result in penetration of any zone created herein by any portion of any vehicle that shall be permitted to operate upon such roadway.
- 4. Notwithstanding any other provision of this ordinance, no person shall, in any zone created by this ordinance, or upon any land or water underlying such zones:
  - a. Establish any putrescible waste landfill, or open air composting facility one (1) acre in size, or larger.
  - b. Create, alter, or maintain any structure or use that would create a bird strike hazard.
  - c. Create, alter, or maintain any structure or use in such a manner as to create electrical or radio interference with aviation navigational signals or aircraft communications.
  - d. Install, align or use any lighting devices that make it difficult for pilots to distinguish between airport lights and others, create glare in the eyes of pilots, or otherwise impair visibility.
  - e. Produce steam, smoke, or other visual hazard that would impair visibility.
  - f. Create, alter, or maintain any structure or use that would endanger or interfere with landing, takeoff or maneuvering of any aircraft.
  - g. Plant, or allow the growth of, any tree, which, during the normal life cycle of such tree, can be expected to grow into any zone created herein.

#### E. Lighting and Marking

1. Notwithstanding any other provision of this ordinance, any person constructing or altering any structure located in any zone created by this ordinance shall install all lighting or markings upon said structure as shall be recommended by the FAA as a part of its review of the applicant's Notice of Proposed Construction or Alteration. Such lighting or markings shall be made in a manner consistent with FAA Regulations and Advisories.
2. Any permit or variance granted under the provisions of the ordinance may be so conditioned so as to require the owner of the land, structure, or tree in question to permit the City or County, at its own expense, to install, operate, and maintain such lighting and/or markings as the City or County deems necessary to indicate to operators of aircraft the presence of an airport obstruction.

F. Administrative Procedure

1. The Building Official or Zoning Administrator shall perform the administration of these zoning regulations.
2. Any person who proposes to construct or alter any structure in or underlying any of the zones created herein shall notify the Administrator, Federal Aviation Administration, by filing with the appropriate federal agency, an executed FAA form 7460-1, Notice of Proposed Construction or Alteration (See Appendix II). Such notice should be given sixty (60) days prior to, and shall be given no later than thirty (30) days prior to the earlier of the following dates:
  - a. The date the proposed construction or alteration is to begin.
  - b. The date an application for building permit or occupancy permit is to be filed.
3. In the event of an emergency involving essential public services, public health, or public safety that requires immediate construction, the Building Official, or Zoning Administrator, may waive the 30 day notice requirement, providing the applicant complies with the requirements of 14 CFR FAR, Part 77.17(d).
4. Except as otherwise provided herein, the Building Official or Zoning Administrator shall not issue any building permit or occupancy permit without first:
  - a. Having received from the applicant a copy of the applicable FAA form 7460-1, as submitted under paragraph B. of this section, and the corresponding finding or determination from the FAA that the proposed construction or alteration complies with Section 5.7(D) of this ordinance.
  - b. Having determined that the proposed use is not non-compatible, and is consistent with the zoning provisions contained herein.
5. EXCEPTIONS: No FAA form 7460-1 is required to be submitted to the FAA or to the Building Official or Zoning Administrator for a building permit for construction or alteration of any structure which the Building Official or Zoning Administrator has determined that:
  - a. The proposed structure meets the requirements for shielding. Each and all of the following requirements are required for a determination of shielding.
    - (1) The property upon which the construction or alteration is proposed is located within the congested area of a city.
    - (2) The proposed structure does not lie within any CA zone.
    - (3) There exists a structure or structures of a permanent and substantial nature at least as tall and at least as wide as the proposed structure, and which lie(s) between the location of the proposed construction or alteration, and a point on the runway centerline at the threshold of the closest end of the closest runway of the Airport.
    - (4) The shielding structure is within 500 feet of the structure that is proposed for construction or alteration.
    - (5) It is evident beyond a reasonable doubt that the shielded structure will not adversely affect aerial navigation.
  - b. The proposed structure is an antenna that is no greater than 20 feet in height, and does not increase the height of an existing antenna structure.
  - c. The proposed structure is an airport, aerial navigation, or meteorological device, of a type approved by the FAA, the location and height of which is fixed by function.
6. WAIVER: The Building Official or Zoning Administrator shall set aside the provision of Section 5.7(F)(4)(a), above, when the following conditions have been met:
  - a. The applicant has provided evidence that an applicable FAA form 7460-1 has been submitted

in accordance with Paragraph B of this section, and that thirty (30) days or more have elapsed since submission.

- b. That the FAA has not issued a determination in response to the applicable FAA form 7460-1.
- c. The applicant agrees that should the subsequent FAA determination, when issued, find that the proposed construction or alteration constitutes a hazard, or otherwise fails to comply with Section 5.7(D) of this ordinance, that the construction or alteration shall be revised and/or reconstructed so as to alleviate the condition which the determination has found to be adverse.
  - (1) The applicant further agrees that required revision and/or reconstruction shall be completed within 120 days of the issuance of the FAA determination.
  - (2) The applicant further agrees that failure to revise or reconstruct as provided herein constitutes a nuisance, and is subject to abatement in accordance with applicable law.

#### G. Non-Conformities

- 1. The regulations prescribed herein are not retroactive and shall not be construed to require the removal of any tree, or the reconstruction or alteration, or the discontinuation of any use of any structure made non-conforming by the adoption of this ordinance.
- 2. Nothing contained herein shall require any change in the construction or alteration, or the intended use of any structure, the construction or alteration of which was begun prior to the effective date of this ordinance, and which is completed within one year thereafter.
- 3. No pre-existing non-conforming structure, use, or tree shall be rebuilt, altered, allowed to grow higher, or be replanted, so as to constitute a greater Airport hazard than it was at the time that these regulations were adopted.
- 4. Whenever the Building Official or Zoning Administrator determines that a non-conforming structure has been abandoned, or more than 50% torn down, physically deteriorated, damaged or decayed, no building permit or occupancy permit shall be issued that would allow such structure to exceed the applicable height and use provisions of this ordinance. Any tree so damaged or destroyed shall be subject to the provisions of Section 5.7(D)(4)(g) of this ordinance.
- 5. Notwithstanding the previous provisions of this section the owner of any pre-existing non-conforming structure or tree shall be required to permit the installation, operation, or maintenance thereon of any markers and/or lights as shall be deemed necessary by the City or County to indicate to the operators of aircraft, the presence of such structure or tree. Such markers and lights shall be installed, operated, and maintained at the expense of the City or County.

#### H. Airport Zoning Commission

Pursuant to the provisions of Section 329.9 of the Iowa Code, there shall be a Mason City Municipal Airport Zoning Commission, consisting of 7 members, two of whom shall be appointed by the City of Mason City, two of whom shall be appointed by the City of Clear Lake, two of whom shall be appointed by the Board of Supervisors of Cerro Gordo County, and one additional member whom shall be selected by a majority vote of the City and County appointed members, and who shall serve as Chairperson of said commission. The terms of such members shall be as provided by Section 329.9 of the Iowa Code.

#### I. Airport Zoning Board of Adjustment

Pursuant to the provisions of Section 329.12 of the Iowa Code, there shall be a Mason City Airport Zoning Board of Adjustment, consisting of 7 members, two of who shall be appointed by the City of Mason City, two of whom shall be appointed by the City of Clear Lake, two of whom shall be appointed by the Board of Supervisors of Cerro Gordo County, and one additional member whom shall be selected by a majority vote of the City and County appointed members, and who shall serve as Chairperson of said commission. The terms of such members shall be as provided by Section 329.9 of the Iowa Code. The Airport Zoning Board of Adjustment shall have the duties and powers established by the Iowa Code.

#### J. Special Exceptions

1. With the concurrence of a majority vote, the Airport Zoning Board of Adjustment (the Board) may, based upon a written determination from the FAA, reverse any order, requirement, decision or determination of any administrative official and may modify the provisions of this ordinance in favor of an applicant, providing:
  - a. Any height or use limitations contained in this ordinance that is modified by the Board shall not result in an obstruction to any aircraft in flight.
  - b. No use of land shall be permitted that would not be compatible with airport operations.
2. Any application for a special exception to the provisions of this ordinance shall include as a part thereof, the written determination of the FAA pertaining to the application, and no application shall be set for hearing by the Board in the absence of such FAA determination.

#### K. Variances

1. Any person desiring to construct or alter any structure, or permit the growth of any tree, or otherwise use property in a manner that would constitute a violation of this ordinance, may apply to the Board for a variance from these regulations. The Board shall consider no application for a variance to the requirements of this ordinance unless a copy of the application has been submitted to the Airport Commission for their opinion as to the aeronautical effects of such a variance. If the Airport Commission fails to respond to the Board within sixty (60) days from its receipt of the copy of the application, the Board may make its decision in the absence of the Airport Commission opinion. Such variances may be granted by the Board only where the literal application of these regulations would result in unnecessary hardship, and are subject to the following:
  - a. Such variance would not be contrary to the public interest.
  - b. Such variance would be in the spirit of this ordinance and of Chapter 329 of the Iowa Code.
  - c. Such variance shall be granted subject to any reasonable conditions that the Board may deem necessary to effectuate the purposes of this ordinance and of Chapter 329 of the Iowa Code.
  - d. Such variance shall be subject to the requirement that the applicant shall install, operate, and maintain such markings and lighting, at the applicant's own expense, as may be necessary to indicate to aircraft operators the existence of an airport obstruction as determined by the Board.
  - e. Such variance shall be subject to the reservation of the right of the City and the Airport at their own expense, to go onto applicant's property to install, operate, and maintain thereon such FAA approved markers and lights as may be necessary to indicate to operators of aircraft the existence of an airport obstruction.
2. Any person aggrieved or affected by any decision of the Airport Zoning Board of Adjustment may appeal such decision, pursuant to the provisions of the Iowa Code.

#### L. Enforcement

Enforcement of the provisions of this ordinance shall be the responsibility of the Building Official or Zoning Administrator, or such person(s) as the Building Official or Zoning Administrator shall, from time to time, direct. However such duties of enforcement and administration shall not include any of the powers herein delegated to the Airport Zoning Board of Adjustment.

#### M. Equitable Remedies

The City of the Airport may, pursuant to Section 329.5 of the Iowa Code, maintain an action in equity to restrain and abate as a nuisance the creation, establishment or maintenance of an airport hazard, in violation of any provision established by this ordinance, on any property, whether within or without the territorial limits of the City.

#### N. Prohibited Acts

Except as herein provided, it shall be unlawful for any person to construct or alter any structure, use any

land, or grow any tree in violation of the provisions of this ordinance.

#### O. Penalties

Each violation of these regulations shall constitute a misdemeanor and the perpetrator thereof, upon conviction, shall be punished by a fine not to exceed \$100 or by imprisonment in the county jail for not more than 30 days, or both. Each day a violation occurs or continues to exist shall constitute a separate offense.

#### P. Conflicting Regulations

In the event of any conflict between regulations contained in this ordinance and any other regulations applicable to the same area, whether the conflict be with respect to height of structures or trees, use of structures or land, or any other matter, the more stringent limitation or requirement shall prevail.

#### Q. Repealer

In each jurisdiction that adopts this ordinance, all pre-existing Ordinances and parts of Ordinances in conflict herewith are hereby repealed, but only to the extent of such conflict.

#### R. Severability

If any section, provision, or part of this ordinance shall be adjudged to be invalid, such adjudication shall not affect the validity of this ordinance as a whole, nor any section, provision or part thereof not adjudged invalid.

#### S. Effective Date

This ordinance shall be in effect in each jurisdiction immediately after its final passage by the governing body of that jurisdiction, and publication, as required by law.

#### APPENDIX I

The controlling Federal authority for the Mason City Municipal Airport is:

Federal Aviation Administration, Central Region  
Office of the Manager, Airports Division  
901 Locust  
Kansas City, MO 64106-2641

#### APPENDIX II

Notice of Proposed Construction or Alteration, FAA Form 7460-1 shall be sent to:

Express Processing Center, Federal Aviation Administration  
Southwest Regional Office, Air Traffic Division Airspace Branch, ASW-520  
2601 Meacham Boulevard  
Fort Worth, TX 76137-0520

Or may be filed electronically using the internet at: <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>